

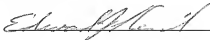
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Henry William Lupton
Serial No. : 10/590,866
Filing Date : September 19, 2006
For : Guidewire for Use in Re-Canalising a Vascular
Occlusion in a Human or Animal
Confirmation No. : 8975
Group Art Unit : 3736
Examiner : SMITH, Fangemonique A.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being transmitted via the Patent Electronic Filing System (EFS) addressed to the U.S. Patent and Trademark Office.

Date: 2/7, 2011



Commissioner for Patents (via EFS)
P.O. Box 1450
Alexandria, VA 22313-1450

Confirmation of 2/7/2011 Examiner Hoekstra Voicemail

Dear Sir:

This is to confirm the substance of a voice mail message received by the undersigned from Examiner Jeff Hoekstra at 9:24 AM on 2/7/2011 in response to the undersigned's call thereto at 7:35 AM on 2/7/2011. Specifically, Examiner Hoekstra confirmed the PTO's position that;

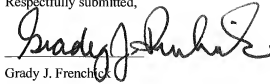
- a. An Office Action had been prepared and was forthcoming¹; and
- b. That the application was "not going to go abandoned or anything like that, so that I [i.e., Ex. Hoekstra] think that that will obviate all the issues with having to petition to revive and things like that."

Applicant will rely upon those representations and adopt the procedural position that the 8-05-2010 Final Rejection was withdrawn by the 10-21-2010 Advisory Action in which it was indicated in paragraph 13 that "another Office Action is forthcoming."

¹ Indicated on public PAIR "Status" as "Final Rejection" counted, not yet mailed"

Dated: Feb. 7, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grady J. French", written over a horizontal line.

Grady J. French

Registration No.: 29,018

ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.
33 E. Main Street, Suite 300
Madison, Wisconsin 53703
(608) 255-4440
Customer No. 56080